



The Commonwealth of Massachusetts

AO-5

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

*Dennis J. Duffin
Director*

February 24, 1984
AO-84-5

Ms. Elizabeth A. Carey
Town Clerk
Main Street
Tewksbury, MA 01876

Dear Ms. Carey:

You have recently requested from the Elections Division of the Office of the Secretary of State answers to several questions. One particular question, which concerns itself with the provisions of G.L. c. 55, the state campaign finance law, has been referred to this office. You have inquired as to the legal requirements for an organization whose activity is in contemplation of a question appearing on the ballot.

G.L. c. 55 is a comprehensive state statute which primarily regulates the financial activity of political campaigns. Once an organization, group or association receives contributions or makes expenditures for a political purpose, such as influencing the vote on a ballot question, it is a political committee under c. 55. Section 7 of that statute provides that "A political committee or a person acting under the authority of or on behalf of such a committee may receive money or its equivalent, or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof."

Therefore, a political committee may make expenditures for the purpose of influencing the vote on a ballot question. It is not necessary that a question be legally certified as appearing on the ballot, but rather, a political committee may make expenditures in anticipation that a question will appear on a ballot. While the timing of the expenditure is not critical to a determination of its appropriateness under the campaign finance law, the purpose of the expenditure is critical to that determination. A political committee may organize

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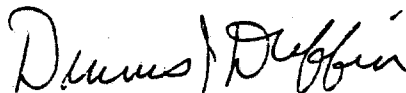
and engage in campaign finance activity to influence the vote on a ballot question at any time, but such activity, be it receiving contributions or making expenditures, must be restricted to favoring or opposing a question submitted to the voters. Funds received for campaign finance purposes may not be used for any other purpose, including efforts to lobby the legislature on any matter relative to the ballot question.

An organization participating in the above described activity should file a Statement of Organization, pursuant to G.L. c. 55. Thereafter, periodic campaign finance reports must be filed which discloses all contributions received, and expenditures made. Since it appears that this political committee will be organized to influence a question on a state ballot, these forms should be filed with this office. Forms which disclose activity relative to a question appearing on a municipal ballot would be filed with the City or Town Clerk, or Election Commission.

You should also be advised that in accordance with c. 55, the purpose of any expenditures by a committee organized in contemplation of a question appearing on the ballot is to influence the vote of the public on that question. At such time that it is apparent that the question is no longer at issue, due to a legal determination that the question will not appear on the ballot, or the question has appeared and been voted upon, or any other reason, the purpose of the political committee is concluded. The committee must then dissolve and dispose of any residual funds as provided by G.L. c. 55, Section 18 (h) which states, " Such residual funds shall not be converted to the personal use of the candidate or any other person except as provided in this paragraph. Such residual funds shall be donated to the Local Aid Fund established under the provisions of section two D of Chapter twenty nine."

I hope that the above has resonded to your question.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep